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Before the
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
Advanced Television Systems)
and their Impact Upon the)
Existing Television Broadcast)
Service)

RM - 9260

Date:05/22/98

Submitted by: Third Coast Broadcasting, Inc.
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**COMMENTS TO PETITION FOR RULEMAKING
BY THIRD COAST BROADCASTING, INC.**

The following are comments to the Community Broadcasters Association Petition for Rulemaking proposing "Class A" Status for certain Low Power Television Stations. These comments are presented by Third Coast Broadcasting, a communications consulting company and licensee of KHMV-LP, Houston TX.

I. Introduction.

Low Power Television (LPTV) was created in 1982 with the final rule of BC Docket 78-253, which defined the rules under which LPTV would operate in relation to Full Power television stations and the interference criteria which would be required to be provided to these stations. (See Comments to Notice of Proposed Rulemaking by Third Coast Broadcasting on FCC 91-337). During the progress of the development of LPTV, these stations have been providing quality niche and local interest programming. Operating at the lower powered range of TV stations, LPTVs have served their duties very well, providing entry for new broadcasters with economic, ethnic and racial diversity not presently seen in the TV broadcast arena. With the pressure of displacements associated with the disastrous loss of spectrum in the DTV rulemaking, only now is the public becoming aware of LPTV. There was very little public knowledge of LPTV or the secondary status of the service before the threat of widespread displacements. The public didn't know or care about the technical and legal definitions of the service. All they knew was that there was a TV station that they viewed: a position on the dial.

Public service is not defined by watts, status or contours; it is defined by viewers. LPTV stations have been providing this public service for many years, and Third Coast believes that there is sufficient public interest, economic viability, and public policy objectives to permit these secondary status TV stations to have a stable and certain future.

Therefore, Third Coast Broadcasting fully supports the Community Broadcasters Association in their Petition for Rule Making. Third Coast believes that the interference and coverage issue should be further refined, and these comments address this issue.

II. Interference to LPTV Stations.

In the Petition for Rule Making, the CBA proposed that one of the acceptance standards for an LPTV to become a class A TV station is that the qualifying LPTV station could make a showing that they do not cause interference to any other LPTV station. According to the FCC rules, LPTV stations are granted on a "first-come, first-protected" basis. That is, in order for an LPTV station to be granted, it must show it *protects all pre-existing stations*. There is no requirement for the station to indicate that it is *protected from all pre-existing stations*, just that it *protects them*. In the FCC rules, there is a prohibition for locating on a channel that is 15 channels *above* another LPTV station, but there is no prohibition against locating on a channel that is 15 channels *below* another station. In choosing one of these channels, an LPTV station, whether formally stating it or not, accepts interference from the other station. In the CBA's proposal, this would preclude the underlying station from qualifying for class A status. Along these lines, there are numerous other scenarios for co-channel and adjacent channel situations

where a more recently filed station could prevent the underlying station from qualifying. As a solution to this, Third Coast proposes that the interference standard for an LPTV station to qualify for class A status should be that the LPTV station meets all FCC technical standards for its license or permit, and nothing more. Third Coast does not envision any negative impact on a later filed LPTV station which accepts interference from the underlying station, and believes that it would prevent some stations from being unnecessarily locked out of the class A permanency. In the event that the underlying stations wishes to modify its facilities, it should not be unnecessarily hindered by the stations who have accepted interference from it. Third Coast proposes that a class A station should further be able to modify its facilities, based on a showing that no additional interference would be caused to the stations who have elected to accept interference from the class A station. The station should be able to use any combination of the Longley-Rice and FCC propagation curves to make this showing. It is also proposed that any interference basis should not be based strictly on the distance to the F:50/50 or F:50/90 contours, but should also permit additional population and coverage analysis as described in OET 69.

In order to qualify for a class A status, according to the CBA proposal, the station would be required to show that it covered the city of license with a 74 dBu signal and that no upgrade would be permitted in order to show that coverage. There has never before been this requirement for LPTV stations and accordingly, many LPTV stations have not necessarily shaped their coverage patterns based on the geographic boundaries of the cities they cover. In fact, the main criteria for LPTV station has been population and interference protection, and not city or community perimeters. In order to fairly implement this requirement for class A status, it is critical that the FCC have frequent, regular, and predictable major modification filing

windows for LPTV stations to change their facilities to meet this coverage requirement. Further, Third Coast proposes that the Commission be very flexible in determining communities of license, to permit the stations which cover ethnic communities in urban markets to serve their community or suburb, rather than being required to serve the whole urban city.

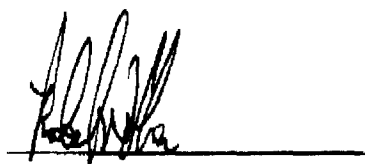
III. Interference to TV Stations.

Third Coast understands that the current spacing criteria for TV and DTV stations is *not* an *interference free* standard as is the requirement for LPTV. It is understood that the Commission permits some interference to occur from one TV station to another, in the effort to increase spectrum efficiency. In the FCC spacing rules, TV stations have been located much closer than would be permitted with co-channel 28 dB 50/10 criteria and 15 dB adjacent channel protection. Third Coast believes that there are many markets which could be served by permitting the class A TV station to operate under the same signal ratio criteria as all other part 73 stations, and additional spectrum efficiency could be gained from reusing channels which would normally be blocked from use under the part 74 protection rules. In any case, Third Coast believes that class A to class A stations should operate under the less restrictive co-channel signal strength ratios and adjacent channel coverage overlaps which have been used by TV stations. Also, Third Coast agrees with the CBA that class A stations, as a part 73 authorization, should be able to use the interference standards of section 73. In order to use these less restrictive spacings, Third Coast proposes that there be a limitation of HAAT of 200 meters at the 0.5 Mw power level to establish a "class contour" such as used in the FM rules. A station exceeding this contour would be required to scale the radiated power to not exceed the contour.

Third Coast believes that the Commission should move quickly toward establishing a class A status for transition for certain LPTV stations, and fully supports the efforts of the CBA in the Rule Making.

05/22/98

Third Coast Broadcasting, Inc.

A handwritten signature in black ink, appearing to read "R. W. Fisher", is written over a solid horizontal line.

By

Robert W. Fisher, President

CERTIFICATE OF SERVICE

I, Robert W. Fisher, do hereby certify that a true and correct copy of the foregoing "Comments to Petition for Rulemaking" was sent via first class mail, this 22nd day of May, 1998, to the following parties:

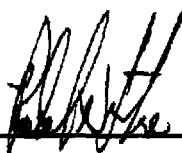
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A handwritten signature in black ink, appearing to read "Robert W. Fisher", is written over a solid horizontal line.

Robert W. Fisher